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9 Attorneys for Plaintiff DARIUS ROWSER and AMITA GUPTA  
10 on behalf of themselves and all others similarly situated

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

13 DARIUS ROWSER, an individual,  
14 and AMITA GUPTA, an individual,  
15 on behalf of themselves and all others  
similarly situated,

16 Plaintiff,  
17 vs.

18 TRUNK CLUB, INC., a Delaware  
19 corporation; and DOES 1 through 10,  
inclusive,

## Defendants.

Case No.: 2:17-cv-05064-DSF-RAO

## Class and Collective Action

Assigned for All Purposes to:  
Hon. Dale S. Fischer

**NOTICE OF MOTION AND  
PLAINTIFFS' UNOPPOSED MOTION  
FOR FINAL APPROVAL OF CLASS  
ACTION SETTLEMENT**

*[Filed concurrently with Memorandum; Declarations of Jennifer Mills and David Yeremian; and [Proposed] Order]*

## Hearing: January 14, 2019

Time: 1:30 p.m.

Dept.: Courtroom 7D, 1<sup>st</sup> Street  
Courthouse, Los Angeles, CA

Original Complaint: July 10, 2017

Amended Complaint: August 17, 2017

Second Amended: June 26, 2017

1 **TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE** that, on **January 14, 2019**, at **1:30 p.m.** or as  
3 soon thereafter as counsel may be heard, in Courtroom 7D of this Court, located at  
4 350 West 1st Street, Los Angeles, California, before the Honorable Dale S. Fischer,  
5 Plaintiffs DARIUS ROWSER and AMITA GUPTA (“Plaintiffs”), on behalf of  
6 themselves and the putative Settlement Classes of similarly situated employees of  
7 Defendant Trunk Club, Inc. (“Defendant”), will and hereby do move the Court for  
8 an Order granting final approval of the parties’ Stipulation of Settlement  
9 (“Settlement Agreement”). A copy of the Settlement Agreement has been provided  
10 for the Court’s review at Exhibit A to the previously filed declarations of Plaintiffs’  
11 counsel, David Yeremian, Esq., in support of preliminary approval and the fees and  
12 costs motion. (ECF No. 32-2, Exhibit A; ECF 40-2, Exhibit A). The motion will be  
13 heard concurrently with Plaintiffs’ Motion for award of requested attorneys’ fees  
14 and reasonable litigation costs to Plaintiffs’ counsel and an award of the Class  
15 Representative Enhancement and Service Awards to Plaintiffs (“Fees and Costs  
16 Motion”), as detailed in the Motion documents filed **November 26, 2018**. (ECF No.  
17 40 through 40-14). Defendant does not oppose the Motion or the requested awards.

18 Plaintiffs make this Motion pursuant to the Court’s authority to approve the  
19 class-action settlement upon finding that it is fair, reasonable, and adequate under  
20 Rule 23(e)(2) of the Federal Rules of Civil Procedure. The basis for this Motion is  
21 that the proposed settlement is fair, adequate, and reasonable and in the best  
22 interests of the Class and Collective as a whole, and the procedures proposed by the  
23 parties are adequate to ensure the opportunity of Class members to participate in, opt  
24 out of, or object to the Settlement. The Court has already preliminarily approved the  
25 Settlement, and the Settlement Administration has been completed successfully and  
26 provides reasonable compensation to Plaintiffs and the Class and Collective  
27 Members for their claims against Defendants.

28

1 Plaintiffs request entry of the concurrently provided [Proposed] Order and  
2 Judgment granting final approval of the Settlement Agreement and awarding the  
3 Settlement Administrator, Rust Consulting, Inc., reasonable administration costs and  
4 fees of \$25,000.00. Plaintiffs further request that the Court approve the requested  
5 attorneys' fees and costs and representative enhancement awards, as addressed in  
6 the Fees and Costs Motion documents.

7 Plaintiffs respectfully submit good cause exists for granting the Motion for  
8 the reasons set forth in the concurrently filed documents, and those submitted with  
9 the Fees and Costs Motion. This Motion is based upon this Notice of Motion and  
10 Unopposed Motion, the Memorandum of Points and Authorities, and the  
11 Declarations of David Yeremian (Class Counsel) and Jennifer Mills (Settlement  
12 Administration), along with the other documents filed herewith and previously,  
13 including the Settlement Agreement, any Exhibits to the Declarations, and the  
14 [Proposed] Order and Judgment, as addressed above, and the other pleadings and  
15 records on file in this action, and the presentations of counsel and such oral or  
16 documentary evidence as may be presented at the hearing on this unopposed  
17 Motion.

18 The parties seek an Order: (1) finding that the proposed class-action  
19 settlement is fundamentally fair, adequate and reasonable, and (2) granting final  
20 approval of the settlement.

21  
22 DATED: December 17, 2018 DAVID YEREMIAN & ASSOCIATES, INC.  
23

24 By:s/ David Yeremian  
25 David Yeremian  
26 Alvin B. Lindsay  
27 Attorneys for Plaintiffs  
28 and the putative Classes and Collective